

AMENDED IN SENATE AUGUST 13, 2002

AMENDED IN SENATE JUNE 17, 2002

AMENDED IN ASSEMBLY APRIL 23, 2002

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2832

Introduced by Assembly Member Shelley

February 25, 2002

An act to amend, repeal, and add Section 2157 of, and to add and repeal Sections 101.5, 2162.5, 2195, 2196, 9607, 9608, 9609, and 9610 of, the Elections Code, relating to voter information.

LEGISLATIVE COUNSEL'S DIGEST

AB 2832, as amended, Shelley. Voter information: privacy.

Existing law requires that a state or local initiative petition contain, prior to the portion of the petition for voters' signatures, a specified statement in 12-point type that the petition may be circulated by a paid signature gatherer or a volunteer, and that the signer has a right to ask.

Existing law makes it a misdemeanor to knowingly and willfully permit the signatures on an initiative petition for any purpose other than qualification of the petition for the ballot, except as specified.

This bill would require that, immediately following the statement referred to above, an additional statement be printed in 12-point type, as specified, that ~~state law prohibits~~ the use of the signer's signature for any purpose other than qualification of this measure for the ballot *is a*

misdemeanor, and that complaints about the misuse of the signer's signature may be made to the Secretary of State's office.

Existing law provides that a person may not be registered as a voter except by affidavit of registration. It requires that the form of the registration affidavit contain all the information required to register the affiant as an elector, and that it be included as part of a voter registration card. *Existing law makes it a misdemeanor to use or permit the use of voter registration information for any purpose not permitted by law.*

This bill would require that the form of the affidavit of registration also contain, at the top of the card, a statement that ~~state law prohibits~~ the use of voter registration information for commercial purposes *is a misdemeanor*, and any suspected misuse should be reported to the office of the Secretary of State, as specified, as well as a fraud hotline telephone number maintained by the Secretary of State at which the public may report suspected fraudulent activity concerning misuse of voter registration information.

This bill would further require that any online or downloadable voter registration form maintained on the Web site of the Secretary of State's office include a statement that ~~state law prohibits~~ the use of voter registration information for commercial purposes *is a misdemeanor*, and any suspected misuse should be reported to the office of the Secretary of State, as specified.

This bill would require the Secretary of State to appoint a task force of 7 members who have experience in campaigns, administration of elections, public interest organizations, law enforcement, and other relevant backgrounds to study and recommend to the Secretary of State appropriate standards for safeguarding voter file information in view of the different database formats and security procedures used by the various counties. It would require the task force to file its report with the Secretary of State and the Legislature no later than January 1, 2004.

This bill would require the Secretary of State to adopt uniform guidelines based upon the recommendations in the report filed by the task force not later than January 1, 2005.

This bill would require any person or committee who purchases data from a voter file and who uses any or all of that data to provide services to a candidate or another committee to include at the appropriate location in a contract for services a specified notice in bold type that state law prohibits the use of voter registration information for commercial purposes.



Existing law imposes various requirements concerning the circulation of initiative petitions, and prohibits, subject to misdemeanor penalties, the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot.

This bill would require the proponents of an initiative measure to ensure that any person, company, or other organization that is paid, or who volunteers, to solicit signatures to qualify the proposed measure for the ballot receive instruction on the requirements and prohibitions imposed by state law with respect to circulation of the petition and signature gathering thereon, with an emphasis on the prohibition on the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot.

This bill would require each proponent of an initiative measure to execute and submit, along with the request for a title and summary for the proposed measure, a signed statement, as specified, acknowledging that it is a misdemeanor under state law to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot, and certifying that he or she will not knowingly or willfully allow the signatures for the initiative to be used for any purpose other than qualification of the measure for the ballot.

This bill would require the person, company official, or other organizational officer who is in charge of signature gathering, prior to allowing any person to circulate an initiative petition for signatures, to execute and file a similar statement with the proponents. It would also require each circulator, prior to soliciting signatures on an initiative petition, to execute and submit to the person, company official, or other organizational officer who is in charge of signature gathering, a similar statement.

This bill, by requiring the proponents' certified statement required by this bill to be kept on file by the agency authorized to prepare the title and summary for the proposed initiative measure, would impose a state-mandated local program.

The provisions of this bill would remain in effect only until January 1, 2005.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide



and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that:

2 (a) In the Internet age, an individual's voter registration
3 information is in danger of being shared, sold, or borrowed for
4 purposes outside of the strict limits of the law.

5 (b) There exists a need to provide greater security for
6 information contained in voter files which generally may be
7 accessed from the offices of county elections officials, the office
8 of the Secretary of State, commercial vendors, and campaign
9 consultants.

10 SEC. 2. Section 101.5 is added to the Elections Code, to read:

11 101.5. (a) Immediately following the statement required by
12 Section 101, the following statement shall be printed in 12-point
13 type:

14 ~~"STATE LAW PROHIBITS THE~~ "THE USE OF YOUR
15 SIGNATURE FOR ANY PURPOSE OTHER THAN
16 QUALIFICATION OF THIS MEASURE FOR THE BALLOT IS
17 A MISDEMEANOR. COMPLAINTS ABOUT THE MISUSE OF
18 YOUR SIGNATURE MAY BE MADE TO THE SECRETARY
19 OF STATE'S OFFICE."

20 (b) This section shall remain in effect only until January 1,
21 2005, and as of that date is repealed, unless a later enacted statute,
22 that is enacted before January 1, 2005, deletes or extends that date.

23 SEC. 3. Section 2157 of the Elections Code is amended to
24 read:

25 2157. (a) Subject to this chapter, the affidavit of registration
26 shall be in a form prescribed by regulations adopted by the
27 Secretary of State. The affidavit shall:

28 (1) Contain the information prescribed in Section 2150.



1 (2) Be sufficiently uniform among the separate counties to
2 allow for the processing and use by one county of an affidavit
3 completed in another county.

4 (3) Allow for the inclusion of informational language to meet
5 the specific needs of that county, including, but not limited to, the
6 return address of the elections official in that county, and a ~~phone~~
7 *telephone* number at which a voter can obtain elections
8 information in that county.

9 (4) Be included on one portion of a multipart card, to be known
10 as a voter registration card, the other portions of which shall
11 include information sufficient to facilitate completion and mailing
12 of the affidavit. The affidavit portion of the multipart card shall be
13 numbered according to regulations adopted by the Secretary of
14 State. For purposes of facilitating the distribution of voter
15 registration cards as provided in Section 2158, there shall be
16 attached to the affidavit portion a receipt. The receipt shall be
17 separated from the body of the affidavit by a perforated line.

18 (5) Contain, at the top of the card, in a type size and color of ink
19 that is clearly distinguishable from surrounding text, a statement
20 that ~~state law prohibits~~ the use of voter registration information for
21 commercial purposes *is a misdemeanor*, and any suspected misuse
22 should be reported to the office of the Secretary of State.

23 (6) Contain a fraud hotline telephone number maintained by
24 the Secretary of State at which the public may report suspected
25 fraudulent activity concerning misuse of voter registration
26 information.

27 (7) Be returnable to the county elections official as a
28 self-enclosed mailer with postage prepaid by the Secretary of
29 State.

30 (b) Nothing contained in this division shall prevent the use of
31 voter registration cards and affidavits of registration in existence
32 on the effective date of this section and produced pursuant to
33 regulations of the Secretary of State, and all references to voter
34 registration cards and affidavits in this division shall be applied to
35 the existing voter registration cards and affidavits of registration.

36 (c) This section shall remain in effect only until January 1,
37 2005, and as of that date is repealed, unless a later enacted statute,
38 that is enacted before January 1, 2005, deletes or extends that date.

39 SEC. 4. Section 2157 is added to the Elections Code, to read:

1 2157. (a) Subject to this chapter, the affidavit of registration
2 shall be in a form prescribed by regulations adopted by the
3 Secretary of State. The affidavit shall:

4 (1) Contain the information prescribed in Section 2150.

5 (2) Be sufficiently uniform among the separate counties to
6 allow for the processing and use by one county of an affidavit
7 completed in another county.

8 (3) Allow for the inclusion of informational language to meet
9 the specific needs of that county, including, but not limited to, the
10 return address of the elections official in that county, and a ~~phone~~
11 *telephone* number at which a voter can obtain elections
12 information in that county.

13 (4) Be included on one portion of a multipart card, to be known
14 as a voter registration card, the other portions of which shall
15 include information sufficient to facilitate completion and mailing
16 of the affidavit. The affidavit portion of the multipart card shall be
17 numbered according to regulations adopted by the Secretary of
18 State. For purposes of facilitating the distribution of voter
19 registration cards as provided in Section 2158, there shall be
20 attached to the affidavit portion a receipt. The receipt shall be
21 separated from the body of the affidavit by a perforated line.

22 (5) Be returnable to the county elections official as a
23 self-enclosed mailer with postage prepaid by the Secretary of
24 State.

25 (b) Nothing contained in this division shall prevent the use of
26 voter registration cards and affidavits of registration in existence
27 on the effective date of this section and produced pursuant to
28 regulations of the Secretary of State, and all references to voter
29 registration cards and affidavits in this division shall be applied to
30 the existing voter registration cards and affidavits of registration.

31 (c) This section shall become operative on January 1, 2005.

32 SEC. 5. Section 2162.5 is added to the Elections Code, to
33 read:

34 2162.5. (a) Any online or downloadable voter registration
35 form maintained on the Web site of the Secretary of State's office
36 shall include at the top of the form, in a font size and color that is
37 clearly distinguishable from surrounding text, a statement that
38 ~~state law prohibits~~ the use of voter registration information for
39 commercial purposes *is a misdemeanor*, and any suspected misuse
40 should be reported to the office of the Secretary of State.

(b) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 6. Section 2195 is added to the Elections Code, to read:

2195. (a) The Secretary of State shall appoint a task force of seven members who have experience in campaigns, administration of elections, public interest organizations, law enforcement, and other relevant backgrounds to study and recommend to the Secretary of State appropriate standards applicable for safeguarding voter file information in view of the different database formats and security procedures used by the various counties. The task force shall file its report with the Secretary of State and the Legislature no later than January 1, 2004.

(b) The Secretary of State shall adopt uniform guidelines based upon the recommendations in the report filed by the task force pursuant to subdivision (a) not later than January 1, 2005.

(c) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 7. Section 2196 is added to the Elections Code, to read:

2196. (a) Any person or committee who purchases data from a voter file and who uses any or all of that data to provide services to a candidate or another committee shall include at the appropriate location in a contract for services a notice in bold type that states as follows: "State law prohibits the use of voter registration information for commercial purposes."

(b) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 8. Section 9607 is added to the Elections Code, to read:

9607. (a) The proponents of an initiative measure shall ensure that any person, company, or other organization that is paid, or who volunteers, to solicit signatures to qualify the proposed measure for the ballot shall receive instruction on the requirements and prohibitions imposed by state law with respect to circulation of the petition and signature gathering thereon, with an emphasis on the prohibition on the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot.

(b) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 9. Section 9608 is added to the Elections Code, to read:

9608. (a) A proponent of an initiative measure shall execute and submit, along with the request for a title and summary for the proposed measure, a signed statement that reads as follows:

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Proponent)

Dated this ____ day of _____, 20____

(b) The certification required by subdivision (a) shall be kept on file by the agency authorized to prepare the title and summary for the proposed initiative measure for not less than eight months after the certification of the results of the election for which the petition qualified for, or if the measure, for any reason, is not submitted to the voters, eight months after the deadline for submission of the petition to the elections official.

(c) Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition.

(d) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 10. Section 9609 is added to the Elections Code, to read:

9609. (a) Prior to allowing a person to circulate an initiative petition for signatures, the person, company official, or other organizational officer who is in charge of signature gathering shall execute and submit to the proponents, a signed statement that reads as follows:

1 I, _____, acknowledge that it is a misdemeanor under
2 state law (Section 18650 of the Elections Code) to knowingly or willfully
3 allow the signatures on an initiative petition to be used for any purpose
4 other than qualification of the proposed measure for the ballot. I certify
5 that I will not knowingly or willfully allow the signatures for this initia-
6 tive to be used for any purpose other than qualification of the measure for
7 the ballot.

8 _____
9 (Signature of Official)

10 Dated this ____ day of _____, 20____
11

12 (b) The certification required by subdivision (a) shall be kept
13 on file by the proponents of the proposed initiative measure for not
14 less than eight months after the certification of the results of the
15 election for which the petition qualified for, or if the measure, for
16 any reason, is not submitted to the voters, eight months after the
17 deadline for submission of the petition to the elections official.

18 (c) Failure to comply with this section shall not invalidate any
19 signatures on a state or local initiative petition.

20 (d) This section shall remain in effect only until January 1,
21 2005, and as of that date is repealed, unless a later enacted statute,
22 that is enacted before January 1, 2005, deletes or extends that date.

23 SEC. 11. Section 9610 is added to the Elections Code, to read:

24 9610. (a) Prior to soliciting signatures on an initiative
25 petition, a circulator shall execute and submit to the person,
26 company official, or other organizational officer who is in charge
27 of signature gathering a signed statement that reads as follows:
28

29 I, _____, acknowledge that it is a misdemeanor under
30 state law (Section 18650 of the Elections Code) to knowingly or willfully
31 allow the signatures on an initiative petition to be used for any purpose
32 other than qualification of the proposed measure for the ballot. I certify
33 that I will not knowingly or willfully allow the signatures for this initia-
34 tive to be used for any purpose other than qualification of the measure for
35 the ballot.

36 _____
37 (Signature of Circulator)

38 Dated this ____ day of _____, 20____
39

1 (b) The certification required by subdivision (a) shall be kept
2 on file by the person, company official, or other organizational
3 officer who is in charge of signature gathering for the proposed
4 initiative measure for not less than eight months after the
5 certification of the results of the election for which the petition
6 qualified for, or if the measure, for any reason, is not submitted to
7 the voters, eight months after the deadline for submission of the
8 petition to the elections official.

9 (c) This section shall not apply to unpaid circulators of state or
10 local initiative petitions.

11 (d) Failure to comply with this section shall not invalidate any
12 signatures on a state or local initiative petition.

13 (e) This section shall remain in effect only until January 1,
14 2005, and as of that date is repealed, unless a later enacted statute,
15 that is enacted before January 1, 2005, deletes or extends that date.

16 SEC. 12. Notwithstanding Section 17610 of the Government
17 Code, if the Commission on State Mandates determines that this
18 act contains costs mandated by the state, reimbursement to local
19 agencies and school districts for those costs shall be made pursuant
20 to Part 7 (commencing with Section 17500) of Division 4 of Title
21 2 of the Government Code. If the statewide cost of the claim for
22 reimbursement does not exceed one million dollars (\$1,000,000),
23 reimbursement shall be made from the State Mandates Claims
24 Fund.

